

Licensing Committee
4 October 2023

At a Meeting of the Licensing Committee of North Ayrshire Council at 11.00 a.m. involving a combination of participation by remote electronic means and physical attendance within the Council Chambers, Irvine

Present (Physical Participation)

Eleanor Collier, Nairn McDonald, Cameron Inglis, Christina Larsen, Matthew McLean, Ronnie Stalker and Angela Stephen.

Present (Remote Participation)

Donald L. Reid.

In Attendance

W. O'Brien, Solicitor (Licensing), A. Toal, Administration Assistant, S. Dalgoutte, Senior Clerical Assistant (Licensing) and S. Wilson, Committee Services Officer (Democratic Services) (Chief Executive's Service).

In Attendance (Remote Participation)

C. Stewart, Committee Services Officer (Democratic Services) (Chief Executive's Service).

Also in Attendance

Sergeant D. Markin and E. Blackwood (Police Scotland)

Chair

Councillor Collier in the Chair.

Apologies

John Bell and Jean McClung

1. Declarations of Interest

In terms of Standing Order 11 and Section 5 of the Code of Conduct for Councillors, Councillor Collier, Chair, declared an interest in Case 2 Agenda Item 3 - Street Trader's Operator's Licence: STL/O/540: GKG Catering Ltd, given that she lived close to the application site, and agreed to leave the meeting and take no part in the decision.

2. Minutes

The Minutes of the Meeting held on 6 September 2023 were confirmed and signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

3. Exclusion of the Public

The Committee resolved, under Section 50A(4) of the Local Government (Scotland) Act 1973, to exclude from the Meeting the press and the public, for Agenda Item 3 and 4 (Civic Government (Scotland) Act 1982 and other Licensing Statutes: Licensing Matters) on the grounds that it involved the likely disclosure of Exempt Information as defined in Section 50J of, and Schedule 7A to, the Local Government (Scotland) Act 1973.

The 'Exempt Information' concerned is information of the type described in one or more of Paragraphs 3, 6, 14 and 15 of Part 1 of Schedule 7A to the Act:

3. "Information relating to any particular applicant for, or recipient or former recipient of, any service provided by the authority."
6. "Information relating to the financial or business affairs of any particular person (other than the authority)."
14. "Any action taken or to be taken in connection with the prevention, investigation or prosecution of crime."
15. "The identity of a Protected Informant" - where "Protected Informant" is defined in Part III as a person who informs the Local Authority about a past, present or future crime, breach of statutory duty, breach of planning control, or nuisance."

4. Civic Government (Scotland) Act 1982 and other Licensing Statutes: Licensing Matters

Submitted report by the Head of Democratic Services on hearings to be determined under the Civic Government (Scotland) Act 1982 and other Licensing legislation.

Appendix A: Hearings

4.1 Taxi Driver's Licence: TDL/02399 (New): Alan MacDonald

At a previous meeting on 6 September 2023, the Committee agreed to continue consideration of this item to allow the applicant to attend.

The applicant, having been duly cited to attend, was not present. A representative from Police Scotland was in attendance.

Decision

The Committee unanimously agreed that (a) it was satisfied that the Applicant was not a 'fit and proper person' to hold the Licence applied for and (b) the ground of refusal in the Civic Government (Scotland) Act 1982, Schedule 1, Paragraph 5(3)(a)(ii) applied.

4.2 Street Trader Operator's Licence: STL/O/540 (New): GKG Catering Ltd.

The Chair left the meeting at this point and took no part in the decision.

In the absence of the Chair and in terms of Standing Order 6.6, Councillor McDonald, Vice-Chair, assumed the Chair for this item.

At a previous meeting on 6 September 2023, the Committee agreed to continue consideration to allow representative for the applicant to attend.

There was no representative for the applicant present, although the applicant had been invited to send a representative to the committee. A representative from Police Scotland was in attendance.

Police Scotland addressed the Committee in respect of a letter setting out their previous representation in respect of the matter and advised that their objection had subsequently been withdrawn, following the resignation of the applicant as a Company Director (which had also been confirmed by checks undertaken with Companies House).

Decision

The Committee unanimously agreed that (a) it was satisfied that the premises were not suitable for the proposed use and (b) the ground of refusal in the Civic Government (Scotland) Act 1982, Schedule 1, Paragraph 5(3)(c) applied.

Councillor Collier re-joined the meeting and resumed the Chair at this point.

4.3 Taxi Licence: TL/451 (New): Stacey Beattie

At a previous meeting on 6 September 2023, the Committee agreed to continue consideration to allow the applicant to attend.

The applicant, having been duly cited to attend, was present.

The applicant then addressed the Committee on the issues raised and responded to questions.

"Decision

The Committee unanimously agreed to refuse (a) the applicant's request that the vehicle she proposed should be treated as an exception to the Council's Vehicle Specification policy under Sections 10(2) and 10(5) of the Civic Government (Scotland) Act 1982, and (b) the application on the basis that the proposed vehicle was not suitable for use under the Licence requested, under 1982 Act, Schedule 1, Paragraph 5(3)(c).

4.4 Short Term Let Licence: NA0110P: Helen Hall

The applicant, having been duly cited to attend, was present as was one objector. Both parties then addressed the Committee on the issues raised and responded to questions.

Decision

The Committee agreed to grant the application under the Civic Government (Scotland) Act 1982 (Licensing of Short-Term Lets) Order 2022 No. 32 ("the STL Order"), subject to (a) the Mandatory Conditions set out in Schedule 3 to the STL Order and (b) the additional local condition set out as "The First Exception" in Paragraph 10(b) of the Committee's "Licensing Policy Statement on Short-Term Let Licensing".

In terms of Standing Order 6.8, the Chair agreed that the meeting be adjourned at 12.05 p.m. for a short comfort break, reconvening at 12.20 p.m. with the same Members and officers present and in attendance.

Councillors Inglis, McLean, Stalker and Stephen left the meeting at this point.

4.5 Short Term Let Licence: NA00247P: Alexander Clare

The applicant's representative, having been duly cited to attend, was present, as was one objector. Both parties then addressed the Committee on the issues raised and responded to questions.

Decision

The Committee agreed to grant the application under The Civic Government (Scotland) Act 1982 (Licensing of Short-Term Lets) Order 2022 No. 32 ("the STL Order") subject to (a) the Mandatory Conditions set out in Schedule 3 to the STL Order, (b) the additional local condition set out as "The First Exception" in Paragraph 10(b) of the Committee's "Licensing Policy Statement on Short-Term Let Licensing" and (c) a further additional condition requiring the applicant to provide within 28 days contact details to the residents/occupiers of the block of flats containing the application address.

5. Urgent Items

There were no urgent items.

The meeting ended at 1.40 p.m.